

REMARKS

Claims 2-29 are pending in the action. No claims have been amended and no new claims have been added.

The Office Action rejects claims 4, 5, and 23 pursuant to 35 U.S.C. §103(a) as being unpatentable over Fulkerson in view of Zelko. The Applicant respectfully disagrees and traverses this rejection.

The Zelko reference is directed to a “screen printing machine [having] a drive mechanism for moving printing platens along an endless horizontal path through successive printing stations.” The Zelko device includes a “platen alignment mechanism at each printing station.” To secure the platen, a clamp 62 is pressed into engagement with a reinforcement rail 44. See col. 4, lines 56-64.

The Office states that Zelko teaches the clamp 62 being pressed into engagement with the rail 44 so as to clamp the reinforcement rail between the clamp 62 and support bar 54. The Office states that this forms “parts of a clamping device for clamping engagement with printing screen 28, which encompasses platform 12”. The Applicant respectfully disagrees that the printing screen 28 “encompasses” or “includes” platform 12. If the Applicant has misunderstood the Office’s comment, the Applicant also disagrees that the clamping device “encompasses” or “includes” the platform 12, and contends that either of these interpretations is not supported by the reference, but rather, is a strained application of the reference to this claim language.

The claim language recites a “platform comprising a clamping device and an expandable member”. In Zelko, the platen 12 is a separate element that never even engages the clamp 62 or support bar 54. See Figures 3 and 5. Rather, the clamp 62 engages the “rail 44 of the screen frame 28”, which resides on the platen 12 but does not encompass the platen 12. See col. 4, line 53. Further, Figure 5 clearly illustrates that the platen 12 never contacts the clamp 62 or support bar 54, and further illustrates that the screen holder 38, which includes the clamp 62 and support bar 54, is also a separate element from the platen 12. Although the clamp 62 engages the rail of the screen frame 28, it is an inappropriate reading of the reference to conclude the clamping

device ‘encompasses’ the platform (platen) 12.

With regard to claim 5, the Applicant disagrees that the combination teaches a “clamping device being configured to releasably couple to the print substrate and *secure the print substrate to the platform.*” (emphasis added). The clamping device does not “secure the print substrate to the platform”, rather, its purpose is to accurately locate the screen frame 28 in position at the printing station (col. 4, lines 63-64). The clamping device could not secure the “print substrate to the platform” as the clamping device does not even contact the platform (platen) 12.

Further, assuming *arguendo* that the Fulkerson reference was combined with the Zelko reference, the Applicant contends that this combination would render the necessity for a complete redesigning of the Fulkerson device. The Fulkerson platform is coupled to a threaded drive shaft. The platform is translated under the print station via rotation of the drive shaft. The print material resides on the platform and is transported to the print station on the platform. It is difficult to determine where on the Fulkerson device the clamping device would be attached, nor is there any suggestion or teaching in the Fulkerson reference to suggest such a combination. It is well-settled law that to support a finding of obviousness a reference *must* provide *some* motivation or reason for one skilled in the art (working without the benefit of the applicant’s specification) to make the necessary changes in the disclosed device. See MPEP 2145 §IX.C. Applicant can find no motivation to combine in the Fulkerson reference and the Office has failed to support this combination by a teaching in Fulkerson. As such, the Applicant contends this combination is inappropriate.

As the Fulkerson reference alone, or the combination of Fulkerson with Zelko fails to teach all the limitations of claim 4, claim 4 is allowable. As claim 4 is allowable, dependent claims 5 and 23 are also allowable. Further, claim 5 is also allowable based on the arguments set forth above.

The Office rejects claims 10, 19 and 26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,246,461 to Hinsburg in view of U.S. Patent No. 6,693,718 to Takoaka. The Applicant respectfully disagrees and traverses this rejection.

The Hinsburg reference is directed to an image positioning device or animation device for displaying a successive series of composite images to effect an animation. The device possesses surface elements wherein the front sides and rear sides carry images and respectively one end of a first surface element and a front side of a second surface element are turnably coupled along a first rotational axis. Next, one end of a second surface element and one front of a third surface element are turnably coupled along a second rotational axis. This sequence continues with a plurality of surface elements. An applied force on the surface elements causes them to flip sequentially, thereby displaying the front and rear images of each surface element successively. The successive displaying of the still images creates a moving animation.

The Office states that the Hinsberg reference teaches the steps of “printing the image onto the preassembled single print substrate” and references column 10, lines 37-44. The Applicant respectfully disagrees.

The reference at column 10, lines 37-44 is directed to printing pairs of images onto “an elongated continuous strip of material”. The strip contains “adjacent image sections”. The image sections, however, are *not* a plurality of print *substrates*, they are predefined sections of the single ‘continuous strip of material’, which is *not* pre-assembled. Further, column 7, lines 29-41 is not directed to teaching the “assembling of a single print substrate … compris[ing] a plurality of smaller print substrate segments” as contended by the Office. Rather, it is directed to *disassembling* a “page paper 17” into the “elongated continuous strips”. Although the reference collectively combines these elongated strips onto the animation device, the individual strips already contain the images that will be displayed. Indeed, there is no discussion or apparent manner for actually printing on the collective group of elongated strips once assembled on the animation device. Thus, the Hinsburg reference fails to teach, in part, the limitation of “printing the image onto the preassembled single print substrate” as required by claims 10 and 19.

The Office further states that the Takaoka reference teaches “printing the image onto a pre-assembled single print substrate” and cites Figures 1 and 2 in support of this contention. The Applicant respectfully disagrees.

A review of Figure 1 shows a single piece of paper in what appears to be a standard printer and there is no explanation to the contrary. Similarly, Figure 2, a flow chart, fails to even discuss printing on any type of medium, let alone a pre-assembled substrate. In light of the above, the Applicant is unclear as to the basis of these comments from the Office.

With regard to claim 26, the Applicant respectfully contends that the Office is confusing the coupling of the strips to create a composite image with the coupling of “the plurality of smaller print substrate segments to form a *unitary substrate* sized to receive the image *during printing.*” (emphasis added). The images on the elongated strips are printed on the strips prior to assembly of the strips on the animation device. See Hinsberg col. 7, lines 30-31 (“The paper strips 16’ ...can be made ...from the page paper 17 shown in FIG. 13. *This* is printed with pictures (not shown) for a motion image animation.”) Although it is unclear to the undersigned, it appears that the images are printed on the *page paper 17* prior to its disassembly, and thus, prior to the assembly of the strips 16 on the animation device. Regardless however of whether the image is printed on the individual strip from the disassembled page paper or the page paper 17 prior to its disassembly, the images are printed prior to assembly and attachment to the animation device. The strips are not being folded to “form a reconfigured unitary substrate sized to receive the image *during printing*” as contended by the Office. Rather, they are being folded such that when placed on the animation device, the operation of the device will produce a moving animation of the collective individual images.

In light of the above arguments, the Hinsberg reference alone or in combination with Takaoka fails to teach all the limitations of claims 10 and 19, and are thus, allowable. As such, dependent claim 26 is allowable by its dependency and on the basis of the argument above.

The Office rejects claims 27, 29, 2 and 3 pursuant to 35 U.S.C. §103(a) as being unpatentable over Fulkerson in view of U.S. Patent No. 6,425,478 to Eberle. The Applicant respectfully disagrees and traverses the rejection.

The Office states that it would have been obvious to include the V-shaped groove in a guide rail of Eberle in the track of Fulkerson “to provide a sturdier support for moving elements

on the track". Once again, however, the Office fails to provide any motivation or teaching in Fulkerson to suggest such a combination. The Applicant contends that no such teaching or suggestion is contained in Fulkerson and this combination is inappropriate.

In particular, the structure of the Fulkerson track does not require this type of rail and groove because the pair of parallel tracks are engaged within a block which is coupled to the palette 14 (platform). In this regard, the block slideably secures the palette to the track during transportation. To include a rail having a V-shaped groove in the tracks of Fulkerson would require the track system to be redesigned. Although it may be possible to redesign the tracks with a rail and a groove, the mere fact that a reference may be modified in the direction of the claimed invention does not make the modification obvious unless the reference *expressly or impliedly teaches or suggests* the desirability of the modification. *In re Gordon*, 221 USPQ 1125, 1127 (Fed. Cir. 1984); *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Ap. 1985); *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. App. 1984). There is no expressed or implied suggestion or teaching in Fulkerson for such a modification. In fact, the problem in Eberle of traversing corners, which is addressed by the rail, is not present in the Fulkerson reference, and further supports the contention that there is no suggestion or motivation to combine.

With regard to claim 29, the Applicant notes that there is no reference to a guidance system in the abstract of Fulkerson as stated by the Office. Rather, the abstract notes that the reference is directed to "an ink-jet printing technique". The abstract does not discuss the track or movement of the palette. As such, it is unclear as to Office's support for its assertions.

As the combination of Fulkerson and Eberle is inappropriate, the references fail to teach, in part, "a transportation system having a track, wherein the track comprises a rail having a groove." As such, claim 27 is allowable, and dependent claims 29, 2 and 3 are also allowable. In light of the arguments set forth above, the Applicant believes that the claims are allowable and respectfully requests the Office to withdraw its rejections.

The Examiner states that claims 7-9, 12-18, 21, 22, 24, 25 and 28 are allowable, and

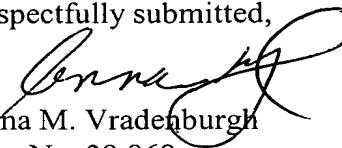
Serial No. 09/626,040

further states that claims 6, 11 and 20 are objected as being dependent upon a rejected claim base, but are allowable if re-written in independent form. The Applicant thanks the Examiner. The Applicant has not re-written claims 6, 11 and 20 as the Applicant believes that these claims are currently allowable in light of the arguments set forth above.

The Applicant believes that the claims are in condition for allowance. As such, the Applicant respectfully requests that the Office withdraw the rejections and pass the claims onto allowance.

Respectfully submitted,

Dated: *February 7, 2005*


Anna M. Vradenburgh
Reg. No. 39,868

AMV/mas

Enclosures: Request for Ext of Time